

**WILLIAMSBURG CITY COUNCIL
NOVEMBER 12, 2004
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Friday, November 12, 2004, at 2:00 p.m., in the Council Chambers of the Stryker Building. The meeting date was changed because the Veterans Day holiday fell on Thursday, November 11.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, Chohany and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Hudson, Serra, Yost, and Assistant City Manager Miller.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Haulman Moved that City Council Approve of the Minutes of October 11 and October 14, 2004. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

MATTERS OF SPECIAL PRIVILEGE

Mayor Zeidler announced that John Catlett, Williamsburg Codes Compliance Administrator, was elected President for 2005 of the Virginia Building and Code Officials Association during their 76th Annual Conference in Roanoke, Virginia. Mr. Catlett has been active in the association for several years and has held other offices and worked on several committees. She congratulated Mr. Catlett on behalf of City Council and citizens.

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Mr. Tuttle noted the room, meal and sales taxes as reported.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Planning Report

Sign on City Right-of-Way, Colonel Waller Motel, 917 Capitol Landing Road (ARB Sign #04-045)

Reference for this item was Mr. Nester's report dated November 12, 2004, which included the rendering of the new sign. Using an overhead map, Mr. Nester explained that the Colonel Waller Motel is proposing to replace the existing freestanding sign with an improved monument sign. The proposed replacement sign has been approved by the

Architectural Review Board and is located in the city's right-of-way. Staff recommended approval of the sign with conditions. Mr. Nester reviewed the five conditions. In reply to Mr. Scruggs, he said that the approval of a sign is non-transferable in order to provide for review of the sign and for the new tenant or owner to obtain insurance on the sign.

Mr. Haulman Moved that City Council Approve the Location of the Proposed Sign on the City Right-of-Way Subject to the Five Conditions Recommended by Staff:

- 1. A license being issued for five years from the date of approval, expiring on November 12, 2009, and which can automatically be renewed.*
- 2. Approval is granted for the applicant only, and shall not be transferable to any future tenant or business.*
- 3. A right-of-way permit must be obtained before installation of the sign.*
- 4. A certificate of insurance showing that there is in force commercial general liability insurance coverage on an occurrence basis insuring against all claims, loss, cost, damage, expense or liability from loss of life or damage or injury to persons or property arising out or relating to such sign. Such insurance shall be by an insurance company licensed to do business in Virginia acceptable to the City Manager and shall include the City as an additional insured. Such certificate of insurance shall provide to 30 days advance notice to the City prior to cancellation or modification of such policy. Said insurance shall be maintained in force at all times at the permittee's expense when the sign remains on public right-of-way and shall protect and save the City harmless from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor, sign owner, as well as the owner, tenants and occupants of the property to which the sign pertains and/or their respective agents; as well as by reason of defects in the construction of such sign and the maintenance of such sign including, but not limited to, damages resulting from the collapse, failure or combination of the sign or parts thereof.*
- 5. A bond with corporate surety, letter of credit or certified check must be submitted by the owner, approved to form by the City Attorney, to cover the cost of the removal of the sign and its supporting structures if the sign is not removed at the expiration of the time period for which it is authorized or if the sign is not maintained in accordance with Section 21-753 of the Zoning Ordinance. The validity period for the bond with corporate surety or letter of credit shall be the same as the time period approved for the sign by City Council, and shall remain in effect until released by the City.*

The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

City Manager Reports

Berkeley Lane Sewer Extension, *Proposed Ordinance #04-25*

Reference for this item was Mr. Tuttle's report dated November 2, 2004. Mr. Clayton used an overhead map to show the location of the sanitary sewer extension. When the city annexed this property in 1964, it agreed to extend the sewer line at the petition of residents.

The owners of all the lots along the portion of Berkeley Lane from John Tyler Lane to Mill Neck Road are now requesting that sewer be extended to their properties. Based on a 50-50 cost share between the City and property owner, the estimated cost to each property will

not to exceed \$5,000. Each owner will pay \$1,500 upon completion of the project and the balance in 3 payments over an 18 month period.

Proposed Ordinance #04-25 establishes the Berkeley Lane sewer extension project contingent upon funds being appropriated in the FY2006 CIP. It authorizes liens to be placed on the five properties at \$5,000 each. Since the liens run with the property, a change of ownership will not affect the commitment to pay for each property's share of the sewer extension.

Mr. Jeff Drifmeyer, primary contact, and Mr. Philip Bottonari, both property owners on Berkeley Lane, were present and support the recommendation. Staff recommended that Council approve the proposed sewer extension.

Mr. Chohany Moved That City Council Approve Proposed Ordinance #04-25 Establishing the Berkeley Lane Sewer Extension Contingent Upon Funding in the FY06 CIP and Placing Liens of \$5,000 Each on the Five Properties Named in the Ordinance. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

(See Adopted Ordinance #04-25)

VPPSA Service Agreement for Storm Debris Removal

Reference for this item was Mr. Tuttle's report dated November 2, 2004, which included a copy of the "Debris Removal, Reduction and Disposal Services for Hurricanes and Other Disasters Service Agreement."

Mr. Clayton said that VPPSA is the regional authority formed to handle recycling and other waste disposal services to member jurisdictions. The proposed agreement for debris removal and disposal is a standing agreement which can be initiated at the city's discretion. With these agreements in place, contractors "on call" can expedite storm debris operations for major storms. The city currently handles its residential recycling and household chemical collection programs through similar service agreements with VPPSA.

Mr. Clayton noted that there will be a Household Chemical Collection on Saturday, November 13, 2004, 9:00 a.m. to 1:00 p.m., at the Tewning Road Collection Center.

Staff recommended that Council approve the agreement.

Mr. Chohany Moved That City Council Authorize the City Manager to Execute the "Debris Removal, Reduction, and Disposal Services for Hurricanes and Other Disasters Service Agreement" Between the City of Williamsburg and the Virginia Peninsula Public Service Authority. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Required Documents for Pre-Contract Phase of the Braxton Court Project, *Proposed Resolutions #04-18 through #04-23*

Reference for this item was Mr. Tuttle's report dated November 4, 2004. Mr. Tuttle said that this past August the City was awarded a Community Development Block Grant (CDBG) from the Virginia Department of Housing and Community Development (DHCD) in the amount of \$976,172 for the Braxton Court Neighborhood Revitalization Project. The cost of the project will be approximately \$1.9 million, with additional funds being provided by the city and the Williamsburg Redevelopment and Housing Authority (WRHA). Jodi Miller will serve as the city's grants administrator and WRHA's Executive Director Jim Gurganus will serve as the project manager for the revitalization project. Staff recommended Council approve the proposed pre-contract resolutions in order for the city to enter into a contract with the DHCD for CDBG funds.

Ms. Miller reviewed the proposed resolutions. Staff anticipated signing the project contract with DHCD in December 2004.

Mr. Scruggs Moved that City Council Adopt Proposed Resolutions:

#04-18, Fair Housing Certification;

#04-19, A Resolution Supporting the City of Williamsburg's Local Business and Employment Plan Relating to Community Development Block Grant Funds;

#04-20, A Resolution Supporting the City of Williamsburg's Non-Discrimination Policy;

#04-21, A Resolution Supporting the Residential Anti-Displacement and Relocation Assistance Plan for Braxton Court Neighborhoods Revitalization Project;

#04-22, A Resolution Creating the Braxton Court Rehabilitation Program Board;

#04-23, A Resolution Supporting the Rehabilitation Act of 1973 Grievance Procedure (Section 504). The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None (See Attached Resolutions #04-18 through #04-23)

Joint Recommendation on Regional Dog Park

Reference for this item was the report submitted by Mr. Tuttle and Mr. Wanner, Administrator for James City County. Mr. Tuttle said that for the past few months, city staff and the county staff have discussed a potential joint venture to develop a regional dog park at Waller Mill Park. Mr. Tuttle showed a photograph of the Sandy Bottom "Bark Park," in Hampton, and said that the dog park would be similar. It is proposed that James City County would make a one time contribution to the City of \$25,000. The City would complete the improvements and operate the dog park. York County has displayed interest in coming in as a partner, and they would be asked to provide an initial start up contribution as the parties may agree.

The staff would support a modest membership fee of \$10.00 per year. In addition to annual memberships, a provision for short term guests can be made. The fee would be used to offset operating costs and upkeep, and foster in dog owners a sense of ownership for the care and cleanliness of the park. A protocol would be established for cleanup practices at the park.

Mr. Tuttle suggested that if Council is comfortable moving forward with the dog park that they enter into a Letter of Agreement with James City County. The Board of Supervisors

will act on this proposal at their November meeting. The dog park can be completed within six months of receipt of capital funds.

Mayor Zeidler said this proposal is a great example of cooperation with the County. Mr. Tuttle responded to Council that the park will take about \$10,000 a year to operate. There will be a one time fee for visitors and residents of other localities. An ID tag for the dog or a membership card will be issued to the owner. Mr. Scruggs expressed concern about the watershed and said that a key element will be monitoring/policing cleanup of animal feces.

Mr. Freiling Moved Approval that City Council Endorse the Concept of a Regional Dog Park at Waller mill Park and Direct City Staff to Implement the Project. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Appointment Process, Revision to City Council Policies and Procedures Manual

Reference for this item was Mr. Tuttle's report dated November 1, 2004. Mr. Tuttle said at the October meeting, Council members received an amended "Appointment Process for Boards and Commissions" section of City Council's Policies and Procedures. Mr. Tuttle reviewed the revision to the appointment process. The revision states that Council members will each act as coordinators for approximately three boards or commissions (as assigned by the Mayor), and following their evaluating and/or interviewing the prospective applicants, would then recommend an appointment to the entire City Council for consideration. All members of Council will continue to conduct interviews for appointments to the School Board, Library Board, Planning Commission, and Redevelopment and Housing Authority.

Mayor Zeidler said that the revision was a result of discussion at the Council's retreat and in response to a larger number of applicants to boards and commissions at that time. Council members had no changes to the policy revision.

Mr. Chohany Moved That City Council Adopt the Revision to the City Council Policy and Procedures Manual. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Unfinished Business

City Council Goals and Initiatives for 2005/2006 Biennium

Reference for this item was Mr. Tuttle's report of November 4, 2004 which included a copy of the third draft of the Goals and Initiatives (see attached). Mr. Tuttle said that Council previously discussed the document at their October 11 and 14 meetings and at the November 8 work session. If Council has no further revisions, the document is now ready for adoption.

Mr. Scruggs said it was a pleasure to work with his fellow Council members and city staff during this process. He appreciated the give and take during the process to develop a document that reflects what Council believes is important for the community.

Mr. Scruggs Moved That City Council Adopt the 2005/2006 Goals and Initiatives with the Revisions Provided in the Third Draft. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

City Council Goals and Initiatives for 2005/2006 Biennium will be placed on the city's website.

Legislative Priorities for 2005, *Proposed Resolution #04-24*

Reference for this item was Mr. Tuttle's report dated November 4, 2004. Mr. Tuttle said that the legislative priorities have been considered at several Council meetings. The priorities are now ready for adoption (see attached).

Mr. Haulman Moved That City Council Adopt Resolution #04-24, A Resolution Supporting Certain Local and State Legislative Issues. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None (See Adopted Resolution #04-24)

New Business

Appointments to Boards and Commissions

Mr. William Walker and Mr. David Watson to the Architectural Review Board for a four year term to expire December 31, 2008; and

Mr. William Carr to the Board of Zoning Appeals for a five-year term to expire December 31, 2009; and

Ms. Sandy Lenthall to the Social Services Advisory Board for a four-year term to expire December 31, 2008; and

Mr. Robert Bond to the Regional Issues Committee for a three-year term to expire December 31, 2007; and

Ms. Natalie Bare to the Historic Triangle Bicycle Committee for a three year term to expire December 31, 2007, and ***Ms. Mary Turnbull*** to the Historic Triangle Bicycle Committee for a three year term to expire December 31, 2006; and

Appoint:

Mr. Channing M. Hall, III to the city's Finance and Audit Committee for a two-year term to expire June 30, 2006, effective immediately. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

OPEN FORUM

Mayor Zeidler invited comments.

Mr. Thomas Gates, 406 Ludwell Apartments, addressed Council regarding the “three-person rule” (the Williamsburg Code restricts rental properties to only three unrelated persons). He read a letter that stated that students at the College find three to be a fairly arbitrary number that allocates housing inefficiently. Some houses will accommodate more than three people. The students are seeking a better and more judicious way of determining the maximum rental occupancy of a unit. They were aware that residents may be alarmed about a change. The students would like to actively engage in the political process, and work with the city and residents to find a solution that is acceptable to everyone. (See letter attached).

No one else wished to speak. The session was closed.

Regarding Mr. Gates comments, Mr. Tuttle said that a discussion group could be formed to include staff, students, and citizens. Mr. Scruggs suggested that the Planning Commission be engaged in the process. Council’s highest objective is quality of life in neighborhoods. There are other issues besides just parking that have been problematic. Council members concurred that it was a subject to be investigated. Mayor Zeidler said Council may find they support the three person rule, but will look at this again. It is a subject that will take months to look at options and possible solutions.

Mr. Haulman said there is no single answer to this issue. The city is tasking staff to study this code issue and the college needs to take positive action on their part.

The meeting adjourned at 2:53 p.m.

Approved: December 9, 2004

Jeanne Zeidler, Mayor

Shelia Y. Crist
Clerk of Council